

Message Text

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ACTION DLOS-04

INFO OCT-01 ARA-06 ISO-00 FEA-01 ACDA-05 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 OFA-01 COME-00

DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00

H-02 INR-07 INT-05 IO-10 JUSE-00 L-03 NSAE-00 NSC-05

NSF-01 OES-03 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15

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TO SECSTATE WASHDC PRIORITY 9406

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E.O. 11652: N/A

TAGS: PFOR, PLOS, MX

SUBJECT: REACTION TO GOM 200-MILE ANNOUNCEMENT

1. PUBLIC AND PRESS REACTION TO GOM ANNOUNCEMENT THAT MEXICO WOULD DECLARE 200-MILE "EXCLUSIVE ECONOMIC ZONE" OFF ITS SHORES HAS OF COURSE BEEN UNIFORMLY FAVORABLE. SURPRISINGLY STRONG EMPHASIS HAS BEEN GIVEN TO ACTION'S EVENTUAL EFFECT IN "CLOSING" GULF OF CALIFORNIA TO FOREIGN EXPLOITATION. AMONG OTHERS, MEXICAN NAVY'S DIRECTOR GENERAL OF OCEANOGRAPHY, RADM GILBERTO LOPEZ LIRA, SUGGESTED THAT ACTION WOULD CANCEL OUT A "TREATY OF SERVITUDE" -- EVIDENTLY A REFERENCE TO GUADALUPE-HIDALGO (1848) -- BY WHICH U.S. UNTIL NOW HAD PREVENTED MEXICO FROM CLOSING GULF AND EXPLOITING ITS RESOURCES.

2. A COMMON THEME AMONG COMMENTATORS HAS BEEN BELIEF THAT U.S. ITSELF WAS ON BRINK OF A UNILATERAL 200-MILE DECLARATION OF ITS OWN. THIS MAY WELL HAVE BEEN A BASIC ASSUMPTION OF GOM ACTION (IT WAS MENTIONED TO CHARGE BY FONSEC OFFICIAL WHO FIRST
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GAVE US NEWS OF GOM DECISION), AND IT MAY HAVE BEEN ENCOURAGED

AMONG COMMENTATORS BY OFFICIAL "BACKGROUNDERS." WE TRUST SECY KISSINGER'S CLEAR STATEMENT OF ADMINISTRATION POSITION IN MONTREAL SPEECH WILL HELP TO CLARIFY MATTERS.

3. ONLY IMPLICIT CRITICISM OF GOM ACTION TO DATE HAS COME FROM THOSE WHO ARGUED IT DID NOT GO FAR ENOUGH IN ASSERTING MEXICAN RIGHTS IN GULF OF CALIFORNIA ("SEA OF CORTES"). OPPOSITION PARTY ACCION NACIONAL (PAN) HAS LONG SOUGHT TO IMPROVE ITS NATIONALIST CREDENTIALS BY LOBBYING PUBLICLY FOR MEXICAN ASSERTION OF SOVEREIGNTY OVER GULF OF CALIFORNIA. IN LETTER TO EXCELSIOR EDITOR AUGUST 12, PAN LEADER ROSAS MAGALLON TAUNTS GOM FOR FINALLY COMING AROUND TO HIS PARTY'S POSITION AND DEMANDS THAT LOGICAL FINAL STEP BE TAKEN TO DECLARE GULF "MEXICAN PROPERTY."

4. WITH CONSIDERABLY TIGHTER REASONING, RESPECTED ASSAYIST CESAR SEPULVEDA (REGARDED AS A TOP AUTHORITY ON INTERNATIONAL LAW AMONG MEXICAN IN-GROUP) ALSO ARGUES THAT GULF OF CALIFORNIA SHOULD BE DECLARED "INTERNAL MEXICAN WATERS." SEPULVEDA CONCEDES THAT PRESENT ACTION WILL SUFFICE FOR NOW IN TERMS OF ASSURING MEXICAN RIGHTS OVER GULF RESOURCES, AND HE NOTES THAT NAVIGATION AND OVER-FLIGHTS OF OTHERS WILL NOT BE VITALLY AFFECTED. HE ALSO SEES NO REASON FOR MEXICO TO WORRY ABOUT INTERNATIONAL REPERCUSSIONS GROWING OUT OF GUADALUPE-HIDALGO, SINCE TRANSIT RIGHTS ACCRUING TO U.S. UNDER ITS TERMS HAVE BEEN (HE SAYS) A DEAD LETTER FOR OVER ONE HUNDRED YEARS.

5. ON THE OTHER HAND, CONTINUES SEPULVEDA, THIRD COUNTRY FISHING RIGHTS IN GULF CANNOT BE INVOKED BECAUSE THEY REQUIRE DEMONSTRATION OF "VITAL, HISTORIC, AND CONTINUOUS INTEREST" AS WELL AS A "HIGHER INTEREST THAN THAT OF THE LITTORAL STATE." THESE DO NOT EXIST IN THE CASE OF GULF OF CALIFORNIA, HE ARGUES. ON THIS BASIS, SEPULVEDA ASSERTS THAT ANY PRETENSION CHALLENGING AN EXCLUSIVE MEXICAN TITLE OVER GULF RESOURCES CAN BE LEGALLY REFUTED. BUT HE CONCLUDES THAT THE FINAL STEP OF DECLARING THE GULF TO BE MEXICAN WATERS CAN BE POSTPONED UNTIL AFTER MEXICO HAS CONSOLIDATED EXERCISE OF ITS RIGHTS OVER GULF RESOURCES.

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